

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

UNITED STATES CURRENCY IN THE
SUM OF THIRTY-FOUR THOUSAND
SIX HUNDRED DOLLARS (\$34,600.00),
MORE OR LESS, AND ALL PROCEEDS
TRACEABLE THERETO,

Defendants.

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**STIPULATION AND
ORDER OF SETTLEMENT**

Civil Action No.
CV 03-1868

(Ross, J.)
(Gold, M.J.)

WHEREAS, on or about April 21, 2003, upon the filing of a verified complaint in rem, the United States District Court for the Eastern District of New York issued a warrant for the arrest of articles in rem, thirty-four thousand, six hundred dollars (\$34,600.00), more or less, and all proceeds traceable thereto (the "Defendant Funds"), finding probable cause to believe that the Defendant Funds were subject to seizure and forfeiture to the United States pursuant to 31 U.S.C. § 5317 for violations of 31 U.S.C. § 5316; and

WHEREAS, the warrant and Plaintiff's verified complaint in rem were timely served on all potential claimants by duly authorized agents of the United States; and

WHEREAS, no one, other claimant Mohamette Dia ("Claimant"),

may have against plaintiff and its agencies, agents, officers, and employees, past and present, for or on account of the commencement of this action, the seizure, restraint and forfeiture of defendant funds, and the settlement of this action.

Claimant further agrees that he shall hold the United States, its agencies, agents, employees and officers, past and present, harmless from any claims or suits brought by any persons or entities concerning, referring or relating to the defendant funds named in this action, and all proceeds traceable thereto, and that he shall: (a) indemnify the United States and its agencies, agents, employees and officers, past and present up to \$21,800.00; (b) if demanded by the United States, defend any such suit; and (c) provide evidence and testimony necessary to the defense of such suit.

6. This Stipulation of Settlement shall in no way be deemed an admission of culpability, liability, or guilt on behalf of Claimant or of the plaintiff United States or any of the respective agents, officers, representatives, or employees, past and present. Further, this Stipulation of Settlement shall in no way constitute any reflection upon the merits of the claims and defenses asserted by the United States and Claimant, respectively.

7. Claimant waives his rights, if any, to use the instant action or its settlement as a basis for any statutory or

has asserted any claim or has any claim to the Defendant Funds; and

WHEREAS, the Law Offices of Franklin B. Mandel is duly authorized to represent Claimant and to execute this stipulation as his counsel.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties and their counsel as follows:

1. Claimant represents that he is the sole owner of the Defendant Funds.

2. In his capacity as sole owner of the Defendant Funds, Claimant is authorized to execute this and all other documents necessary to effectuate the settlement of this action with respect to all of the Defendant Funds.

3. The United States agrees to return to Claimant the sum of \$21,800.00.

4. In consideration of the foregoing, Claimant agrees to forfeit to the United States, pursuant 31 U.S.C. § 5317, the balance of the Defendant Funds, \$12,800.00, and all interest accrued thereon.

5. Claimant agrees to release, remise and forever discharge, plaintiff United States of America and its agencies, agents, officers, and employees, past and present, from all claims or causes of action which Claimant and his agents, assigns, representatives, and successors ever had, now have, or hereafter

constitutional defense, including, without limitation, defenses based upon the Double Jeopardy Clause of the Fifth Amendment and the Excessive Fines Clause of the Eighth Amendment in any other civil, criminal or administrative action.

8. The parties agree that each party shall bear its own costs and attorney's fees, and Claimant further agrees to waive any and all rights he has to recover attorney's fees under the Equal Access to Justice Act, the Civil Asset Forfeiture Reform Act, or any other legal or statutory bases.

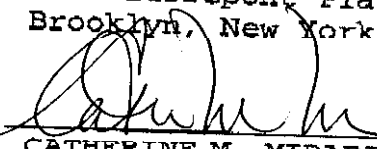
9. Counsel for Claimant shall send to counsel for the United States of America the executed Stipulation of Settlement. Upon receipt thereof, counsel for the United States of America shall submit to the Court an order: (a) returning to Claimant the sum of \$21,800.00; (b) forfeiting to the United States of America the balance of the Defendant Funds, \$12,800.00, and all interest accrued thereon; (c) vacating the warrant of arrest previously served upon the Defendant Funds and Claimant in this action; and (d) dismissing this action with prejudice. The monies returned to Claimants will be in the form of a check payable to "Law Offices of Franklin B. Mandel, as attorney for Mohamette Dia" and shall be sent to the undersigned attorney for Claimant.

5

10. The District Court shall retain jurisdiction of this action to enforce this settlement.

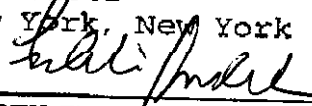
Dated: Brooklyn, New York
June 2, 2005

ROSLYNN R. MAUSKOPF
United States Attorney
Eastern District of New York
Attorney for Plaintiff
One Pierrepont Plaza, 14th Fl.
Brooklyn, New York 11201

By: 
CATHERINE M. MIRABILE (CM 1290)
Assistant U.S. Attorney
(718) 254-6055

Dated: New York, New York
5/27, 2005

LAW OFFICES OF FRANKLIN MANDEL
Attorney for Claimant
16 East 34th Street
16th Floor
New York, New York 10016

By: 
FRANKLIN B. MANDEL
(212) 868-1172

AGREED AND CONSENTED TO:

6

Dated: New York, New York
5/27, 2005

MOHAMETTE DIA
MOHAMETTE DIA

On MAY 27, 2005, before me,
personally came MOHAMETTE DIA, known by identification
shown to me to be the person who signed the foregoing document,
and he acknowledged that he signed it.


NOTARY PUBLIC

ROBERT L. MILLER
NOTARY PUBLIC, New York

County of Westchester
Commission Expires 12/31/05

SO ORDERED this 6th day
of June, 2005

HONORABLE LEWIS R. ROSS
United States District Judge

United States v. \$34,600.00, CV 03-1868 (Ross, J.) (Gold, M.J.)
Stipulation and Order of Settlement